IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No. 3996 of 2006
Date of Decision: 10.11.2006

Ajmer Singh ...Appellant

Versus

Nasib Kaur ....Respondent

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Vishal Aggarwal, Advocate, for the appellant.

JUDGMENT

The defendant is in second appeal aggrieved against the judgment and decree passed by the Courts below, whereby the suit filed by the plaintiff-respondent seeking maintenance against her father-in-law, was decreed.

The sole argument raised by the learned counsel for the petitioner is that Section 19 of the Hindu Adoption and Maintenance Act, 1956, contemplates maintenance against father-in-law in respect of coparcernary property. The learned first Appellate Court has found that even if the property is a self acquired property, still relying upon the judgment of this Court in **Balbir Kaur v. Harjinder Kaur 2003(2) PLR 9,** it was held that the plaintiff has a right of maintenance against the estate of her father-in-law as such right is not inconsistent with any of the provisions of the Act. Therefore, whether the property is a self acquired property or coparcernary property, the plaintiff has a right of maintenance after the death of her husband from the her father-in-law.

In view above, I do not find any material illegality or

irregularity in the findings recorded by the Courts below, which may give rise to any substantial question of law in the present appeal.

Dismissed.

10-11-2006 (HEMANT GUPTA)
ds JUDGE